

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. : **CRIMINAL NUMBER 12-239-01**

FRANK G. McALEESE :
a/k/a "Frank George McAleese"
a/k/a "Frank E. MacLaine"
a/k/a "Frank Eastwood MacLaine"

GOVERNMENT'S MOTION TO DISMISS INDICTMENT

The United States of America, by its attorneys, Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, and Eric B. Henson, Assistant United States Attorney for the District, moves to dismiss the indictment in this matter. In support of this motion, the government avers as follows:

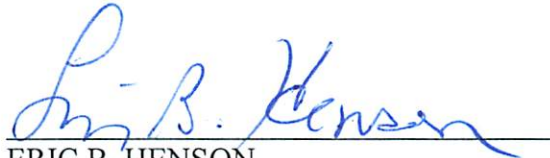
1. On May 12, 2012, a grand jury returned this indictment charging the defendant, Frank G. McAleese, , a convicted murderer, with three counts of providing false information to a federal firearms licensee, in violation of 18 U.S.C. § 922(a)(6); three counts of making a false statement to a federal firearms licensee, in violation of 18 U.S.C. § 924(a)(1); and four counts of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1).
2. On July 10, 2013, following a hearing on the defendant's motion to suppress, this Court granted the motion to suppress the evidence that the defendant had engaged in the firearms transactions at issue because the underlying warrant application contained a reckless misstatement of fact. On October 8, 2013, the Court denied the government's motion to reconsider its suppression ruling.
3. The government is unable to proceed with a prosecution of this matter.

WHEREFORE, for these reasons, the government respectfully requests that the indictment be dismissed.

Respectfully yours,



ZANE DAVID MEMEGER
United States Attorney

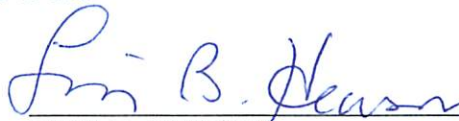


ERIC B. HENSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this pleading has been served through the Court's electronic filing system on the following:

James J. McHugh, Jr., Esquire
Federal Defender Association
601 Walnut Street, Suite 540 West
Philadelphia, PA 19106



ERIC B. HENSON
Assistant United States Attorney

DATED: 12/17/13